

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	Case No. 14-CR-013-001
	)	
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
-vs-	)	
	)	<u>MEMORANDUM OPINION</u>
LAVONTRAE DURDEN,	)	<u>AND ORDER</u>
	)	
Defendant.	)	

This case is before the Court on Defendant, Lavontrae Durden's Motion for Modification or Reduction of Sentence pursuant to 28 U.S.C. § 2255. (ECF # 71). Mr. Durden previously filed a §2255 motion to vacate on March 6, 2017, which was denied. (ECF #62, 63). Section 2255 provides that:

A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain —

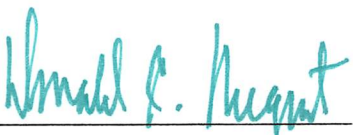
(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

*See* 28 U.S.C. § 2255(h).

Because Mr. Durden has failed to receive authorization from the Sixth Circuit to file this second, or successive §2255 motion, the motion may not be reviewed by the Court at this juncture. Therefore, the Clerk of Court is directed to transfer Mr. Durden's instant motion to the Sixth Circuit Court of Appeals pursuant to *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997).

IT IS SO ORDERED.

  
Donald C. Nugent  
United States District Judge

Date: May 28, 2019